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PATENT  
2059-0106P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Harold G. BROWN et al.      Conf.:      7324  
Appl. No.: 09/880,907      Group:      1623  
Filed:      June 15, 2001      Examiner:      KHARE  
FOR:      A PHARMACEUTICAL COMPOSITION OF COMPLEX CARBOHYDRATES  
AND ESSENTIAL OILS AND METHODS OF USING THE SAME

PETITION TO EXPUNGE INFORMATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 28, 2005  
(Monday)

03/29/2005 SZEWDIE1 00000087 09880907

01 FC:1463

200.00 OP

Sir:

Submitted herewith is a petition under 37 C.F.R. § 1.59(b)  
to expunge information submitted under MPEP § 724.02.

- ☒ A check in the amount of \$200.00 is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the  
amount of \$0.00. This form is submitted in triplicate.

Also submitted herewith are the following items:

- (A) a clear identification of the information to be  
expunged without disclosure of the details thereof;
- (B) a clear statement that the information to be expunged  
is trade secret material, proprietary material, and/or

subject to protective order, and that the information has not been otherwise made public;

- (C) a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
- (D) a statement that the petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information;
- (E) the fee as set forth in 37 C.F.R. § 1.17(g) for a petition under 37 C.F.R. § 1.59(b).

REMARKS

On August 31, 2004, Applicants submitted Information under Seal. This information related to Complaints, Answers, Counterclaims, Responses, Expert Rebuttal, Claim Construction, Suggestions, and various Depositions in a pending litigation.

The Examiner, by not making the Information under Seal part of the application papers, has indicated that the information is not important to a reasonable Examiner in deciding whether to allow the application to issue as a patent. Therefore, pursuant to 37 C.F.R. §1.59, Applicants hereby request that the Office expunge this information.

In particular, Applicants request that the information to be expunged without disclosure of the details thereof.

Further, Applicants submit that the information to be expunged is trade secret material, proprietary material, and/or subject to protective order, and submit that the information has not been otherwise made public.

Applicants will retain such information for the period of any patent which issues from this application.

Further, this petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information.

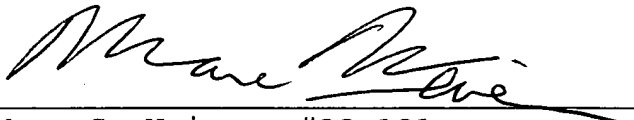
Applicants are also enclosing a fee as set forth in 37 C.F.R. § 1.17(g) for the petition under 37 C.F.R. § 1.59(b) in the amount of \$200.00.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Marc S. Weiner (Reg. No. 32,181) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

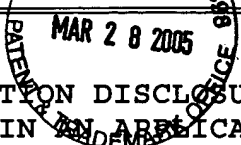
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Marc S. Weiner, #32,181

MSW/CAM  
2059-0106P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s)

|   |  |                                     |                               |
|---|--|-------------------------------------|-------------------------------|
| Form PTO-1449   |  | ATTY. DOCKET NO.<br>2059-0106P      | APPLICATION NO.<br>09/880,907 |
| <b>INFORMATION DISCLOSURE CITATION<br/>IN AN APPLICATION</b><br>(Use several sheets if necessary) |  | APPLICANT<br>Harold G. BROWN et al. |                               |
|   |  | FILING DATE<br>June 15, 2001        | GROUP<br>1623                 |

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT NUMBER | Kind | DATE | NAME | CLASS | SUB<br>CLASS | FILING DATE<br>IF APPROPRIATE |
|---------------------|-----------------|------|------|------|-------|--------------|-------------------------------|
|                     | US              |      |      |      |       |              |                               |
|                     | US              |      |      |      |       |              |                               |
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|                     | US              |      |      |      |       |              |                               |
|                     | US              |      |      |      |       |              |                               |

## FOREIGN PATENT DOCUMENTS

|  | Office | DOCUMENT<br>NUMBER | Kind | DATE | COUNTRY | CLASS | SUB<br>CLASS | TRANSLATION |    |
|--|--------|--------------------|------|------|---------|-------|--------------|-------------|----|
|  |        |                    |      |      |         |       |              | YES         | NO |
|  |        |                    |      |      |         |       |              |             |    |

## OTHER DOCUMENTS

(Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)

|  |   |
|--|---|
|  | NATUROPATHIC LABORATORIES INTERNATIONAL, INC., Plaintiff, v. DERMAL RESEARCH LABORATORIES, INC., Defendant, <u>Complaint</u> , 8 pages, U.S. District Court for the Western District of Missouri Western Division.  |
|  | NATUROPATHIC LABORATORIES INTERNATIONAL, INC., Plaintiff, v. DERMAL RESEARCH LABORATORIES, INC., Defendant, <u>Dermal Research Laboratories, Inc.'s Answer and Counterclaim to Naturopathic Laboratories International Inc.'s Complaint</u> , 14 pages, U.S. District Court for the Western District of Missouri Western Division.  |
|  | NATUROPATHIC LABORATORIES INTERNATIONAL, INC., Plaintiff, v. DERMAL RESEARCH LABORATORIES, INC., Defendant, <u>Reply of Naturopathic Laboratories International, Inc., to Counterclaim of Dermal Research Laboratories, Inc.</u> , 6 pages, U.S. District Court for the Western District of Missouri Western Division.  |
|  | NATUROPATHIC LABORATORIES INTERNATIONAL, INC., Plaintiff, v. DERMAL RESEARCH LABORATORIES, INC., Defendant, <u>Plaintiff Naturopathic Laboratories, International, Inc.'s Response to Defendant's First Set of Interrogatories</u> , 14 pages, U.S. District Court for the Western District of Missouri Western Division.   |
|  | DAVID C. STEINBERG, Report, 25 pages.   |
|  | DR. KAREN K. BROWN, Notes: D000459 and D000460; 1-9-1992 & 1-18-2002; 2 pages.  |
|  | NATUROPATHIC LABORATORIES INTERNATIONAL, INC., Plaintiff, v. DERMAL RESEARCH LABORATORIES, INC., Defendant, <u>Expert Rebuttal to the Invalidity Report of March 8, 2004, Regarding United States Patent Number 5,888,984</u> , 4-9-2004, 27 pages.   |
|  | THE 1998 CIR EXPERT PANEL MEMBERS: CHAIRMAN WILMA BERGFELD, MD, FACP, DONALD BELSITO, MD, WILLIAM CARITON, PHD., DVM. CURTIS KLAASSEN, PHD., ARNOLD L. SCHROETER, MD, AND RONALD C. SHANK, PHD., AND THOMAS SAGA, PHD, CIR DIRECTOR: f. ALAN ANDERSEN, PHD, <u>Final Report: Safety Assessment of Peppermint</u> , 9-11-1998, 18 pages, <u>Cosmetic Ingredient Review - Washington, DC;</u> |
|  | NATUROPATHIC LABORATORIES INTERNATIONAL, INC., Plaintiff, v. DERMAL RESEARCH LABORATORIES, INC., Defendant, <u>Claim Construction of '984 Patent</u> ; 1-23-2004; 11 pages; U.S. District Court for the Western District of Missouri Western Division.  |

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| EXAMINER  | DATE CONSIDERED |
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Form PTO-1449

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**

(Use several sheets if necessary)

ATTY. DOCKET NO.  
2059-0106PAPPLICATION NO.  
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|                     | US              |      |      |      |       |              |                               |
|                     | US              |      |      |      |       |              |                               |

**FOREIGN PATENT DOCUMENTS**

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|--------|--------------------|------|------|---------|-------|--------------|-------------|----|
|        |                    |      |      |         |       |              | YES         | NO |
|        |                    |      |      |         |       |              |             |    |

**OTHER DOCUMENTS**

(Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)

NATUROPATHIC LABORATORIES INTERNATIONAL, INC., Plaintiff, v. DERMAL RESEARCH LABORATORIES, INC., Defendant, Suggestions in Support of Dermal Research Laboratories, Inc.'s Motion for Summary Judgment on Naturopathic Laboratories International, Inc.'s Invalidity Defenses; 6-7-2004; 27 pages; U.S. District Court for the Western District of Missouri Western Division.

NATUROPATHIC LABORATORIES INTERNATIONAL, INC., Plaintiff, v. DERMAL RESEARCH LABORATORIES, INC., Defendant, Deposition of Harold Brown, Ph.D.; 02-26-2004; 335 pages (copied in quarters); U.S. District Court for the Western District of Missouri Western Division.

NATUROPATHIC LABORATORIES INTERNATIONAL, INC., Plaintiff, v. DERMAL RESEARCH LABORATORIES, INC., Defendant, Deposition of Karen Brown, Ph.D.; 10-23-2003; 335 pages (copied in quarters); U.S. District Court for the Western District of Missouri Western Division.

NATUROPATHIC LABORATORIES INTERNATIONAL, INC., Plaintiff, v. DERMAL RESEARCH LABORATORIES, INC., Defendant, Deposition of Carol Cooper, Ph.D.; 02-17-2004; 339 pages (copied in quarters); U.S. District Court for the Western District of Missouri Western Division.

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